

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CANDIDO TEXPOX MUNIVE

Plaintiff,

-against-

FURNITURE DIRECT OUTLET INC.,
RAMI ALQURAN,

Defendants.

19cv09576 (PGG) (DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

In this wage-and-hour case, which has been referred to this Court for general pretrial supervision, the Court has received a letter dated September 4, 2020, from Joseph Alan Altman, Esq. (“Altman”), of the law firm Altman & Altman Esqs. (the “Altman Firm”), counsel of record in this action for defendants Furniture Direct Outlet Inc. (“Furniture Direct”) and Rami Alquran (“Alquran”) (collectively, “Defendants”), informing the Court that Defendants wish to discharge him as their attorney, and asking whether he may file a motion to be relieved as counsel. (*See* Dkt. 25.) Under the circumstances, it is hereby ORDERED as follows:

1. No later than October 2, 2020, the Altman Firm shall file a motion for leave to withdraw, supported by a sworn affidavit or declaration made under penalty of perjury, setting forth good cause for the proposed withdrawal. To the extent the Altman Firm believes that the basis for its withdrawal request is sensitive or confidential, then its supporting affidavit or declaration may be submitted to my Chambers *ex parte*, and counsel should contact Chambers for submission instructions. This Court, in its discretion, will then determine whether the affidavit or declaration should be filed on the Court’s public docket or placed, in whole or in part, under seal.

2. The Altman Firm is directed to serve Defendants with a copy of its motion (including any supporting affidavit or declaration), together with a copy of this Order, by means reasonably calculated to reach them, and to file proof of such service on the Docket.

3. If Defendants wish to be heard with respect to the Altman Firm's motion to withdraw, then, **no later than October 9, 2020**, Defendants should submit a response to the Court, with a copy to the Altman Firm. If Defendants would like to email their response to the Court, then they should contact my Chambers at (212) 805-4650 and leave a voicemail message, asking for email instructions and providing a telephone number where they may be reached so that such instructions may be given to them. Alternatively, Defendants may mail their response directly to my Chambers at the following address:

Hon. Debra Freeman
U.S. Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1660
New York, New York 10007

Defendants' response may be submitted *ex parte*; in other words, it need not be served on counsel for Plaintiffs. This Court, in its discretion, will determine whether any response it receives from Defendants should be filed publicly or if it contains sensitive information that warrants its being placed under seal. If, by October 9, 2020, this Court receives no objection to the Altman Firm's motion from Defendants, then this Court may grant the motion as unopposed.

4. Regardless of whether it receives any objection to the Altman Firm's request for leave to withdraw, this Court will hold a **telephonic conference on October 22, 2020 at 11:00 a.m.** with respect to that request. For that conference, the parties are directed to call the following Toll-Free Number: 877-411-9748, and use Access Code: 9612281. Alquran is directed to appear personally at this conference, together with a corporate representative of

Furniture Direct. If Alquran is an authorized representative of Furniture Direct, then he may appear at the conference in both an individual and corporate capacity.

5. Defendant Furniture Direct is cautioned, however, that a corporation may not proceed before this Court without being represented by counsel. For this reason, if the Court permits the Altman Firm to withdraw, then Furniture Direct will need to retrain new counsel, if it wishes to continue to defend this action. A failure of Furniture Direct to retain new counsel may result in Furniture Direct's being held in default, and a default judgment may be entered against it.

6. In addition, Alquran is cautioned that, if the Court permits the Altman Firm to withdraw, and if he does not retain new counsel, then he will be expected to defend this action on his own behalf without the benefit of counsel. Alquran is also cautioned that, if he chooses to proceed in this action *pro se* (i.e., without the assistance of an attorney), then he will be expected to proceed with this action diligently on a *pro se* basis, to attend all court conferences and other proceedings in person, and to comply, on his own, with all rules and procedures of the Court. Alquran's failure to cooperate in the pretrial discovery process or to appear before the Court as required may result in the entry of a default judgment against him.

7. If, at any time prior to October 22, 2020, Furniture Direct and Alquran retain new counsel in this action, and a formal Substitution of Counsel is filed, then the October 22 conference will be canceled.

8. All discovery in this action shall be stayed pending further order of this Court.

Dated: New York, New York
September 18, 2020

SO ORDERED

A handwritten signature in blue ink, appearing to read "Debra Freeman", is written over a horizontal line.

DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)